

STATE OF TENNESSEE
Department of Commerce and Insurance
500 James Robertson Parkway
Nashville, TN 37243-1131
PH - 615.532.5260, FX - 615.532.2788
Jerald.E.Gilbert@tn.gov

October 4, 2012

State Farm Insurance Company
2500 Memorial Boulevard
Murfreesboro, TN 37131-0001
NAIC # 2880

Certified Mail
Return Receipt Requested
7011 2970 0003 4364 4090
Cashier # 5541

Re: Maribel Lineberry V. State Farm Insurance Company

Docket # 2012-CV-574

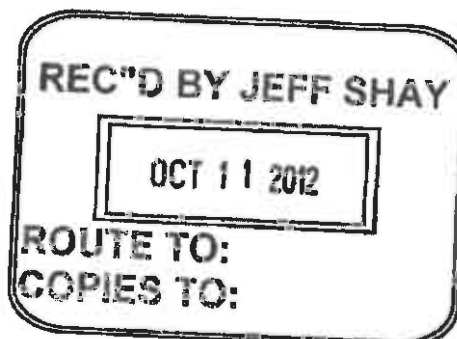
To Whom It May Concern:

Pursuant to Tennessee Code Annotated § 56-2-504 or § 56-2-506, the Department of Commerce and Insurance was served October 3, 2012, on your behalf in connection with the above-styled proceeding. Documentation relating to the subject is herein enclosed.

Jerald E. Gilbert
Designated Agent
Service of Process

Enclosures

cc: Circuit Court Clerk
Wilson County
P O Box 518
Lebanon, Tn 37088



Phone
615-444-2042

STATE OF TENNESSEE 15TH JUDICIAL DISTRICT
WILSON COUNTY, LEBANON, TENNESSEE

CASE NUMBER
2012-CV-574

MARIBEL LINERBAY

STATE FARM FIRE & CASUALTY

FILED

vs.

CL Commission

COMPAN

A.M. SEP 23 2012 P.M.

PLAINTIFF

DEFENDANT

LINDA NEAL, CIRCUIT COURT CLERK

CIRCUIT COURT SUMMONS

To the above WILSON COUNTY, TN

You are summoned to appear and defend a civil action filed against you in Circuit Court, 134 South College Street, Wilson County, Tennessee, and your defense must be made within thirty (30) days from the date this summons is served upon you. You are further directed to file your defense with the Clerk of the Court and send a copy to the Plaintiff's attorney at the address listed below:

ATTORNEY FOR PLAINTIFF

Tim Davis

Phone No.

444-7272

115 CHST MAIN

LEBANON, TN 37087

In case of your failure to defend this action by the above date, judgment by default will be rendered against you for the relief demanded in the complaint.

ISSUED: 9-22, 2012

LINDA NEAL,
Circuit Court Clerk, Wilson County

By: Patricia He... Deputy Clerk

TO THE SHERIFF:

Please execute this summons and make your return hereon as provided by law.

LINDA NEAL,
Circuit Court Clerk, Wilson County

Received this summons for service this day of 20

SHERIFF

OFFICER'S RETURN

(Please serve and return within ninety (90) days from date of issuance as provided by law)

Whereby certify and return, that on the day of 20, I served this summons together with

the complaint herein as follows:

SHERIFF

By:

RETURN ON SERVICE OF SUMMONS BY MAIL

I hereby certify and return, that on the day of 20, I sent, postage prepaid, by registered return receipt mail or certified return receipt mail, a certified copy of the summons and a copy of the complaint in Case No. to the defendant. On the day of 20, I received the return receipt for said registered or certified mail, which had been signed by on the day of 20. Said return receipt is attached to this original summons and both documents are being sent herewith to the Circuit Court Clerk for filing.

SWORN TO AND SUBSCRIBED BEFORE ME ON

THIS DAY OF 20

PLAINTIFF, PLAINTIFF'S ATTORNEY OR OTHER PERSON
AUTHORIZED BY STATUTE TO SERVE PROCESS

NOTARY PUBLIC or DEPUTY CLERK

MY COMMISSION EXPIRES:

TO THE DEFENDANT(S):

Tennessee law provides a ten thousand dollar (\$10,000.00) Personal Property exemption from execution or seizure to satisfy a judgment. If a judgment should be entered against you in this action and you wish to claim property as exempt, you must file a written list, under oath, of the items you wish to claim as exempt with the clerk of the court. The list may be filed at any time and may be changed by you thereafter as necessary; however, unless it is filed before the judgment becomes final, it will not be effective as to any execution of garnishment issued prior to the filing of the list. Certain items are automatically exempt by law and do not need to be listed; these include items of necessary wearing apparel (clothing) for yourself and your family and trunks or other receptacles necessary to contain such apparel, family portraits, the family Bible, and school books. Should any of these items be seized you would have the right to recover them. If you do not understand your exemption right or how to exercise it, you may wish to seek the counsel of a lawyer.

Pursuant to section T.C.A.26-518-523.

ATTACH RETURN
RECEIPT HERE

(IF APPLICABLE)

IN THE CIRCUIT COURT FOR WILSON COUNTY
AT LEBANON, TENNESSEE

MARIBEL LINEBERRY,

Plaintiff,

VS.

STATE FARM FIRE & CASUALTY COMPANY,

Defendant.

Case No. 2012-CV-574
JURY DEMAND

10/15/12
6/12
FILED
A.M. SEP 28 2012 P.M.
LINDA NEAL, CIRCUIT COURT CLERK
WILSON COUNTY, TN

COMPLAINT

Comes now the Plaintiff, Maribel Lineberry, by and through counsel, and brings this action against the Defendant, State Farm Fire & Casualty Company, and for her cause of action would show unto this Honorable Court as follows:

1. The Plaintiff, Maribel Lineberry, is a citizen and resident of Wilson County, Tennessee.
2. The Defendant, State Farm Fire & Casualty Company is an insurance company licensed to do business in the State of Tennessee.
3. Plaintiff avers that she is a policy holder with State Farm Fire & Casualty Company; policy number 42RB90154, for property located at 855 East Main Street, Erin, Tennessee, and was covered under said policy on May 1st and 2nd, 2010.
4. On May 1st and 2nd, 2010, Plaintiff received flood damage from the historic flood that occurred in middle Tennessee damaging all three of the HVAC units at the aforementioned property necessitating the replacement of all the units at a cost of approximately \$40,360.20.

5. The damage was not discovered until the fall of 2011 and Plaintiff made a claim with the Defendant on December 8, 2011.

6. To date, despite repeated attempts by Plaintiff through counsel, to collect on her loss, the Defendant has not paid out on the claim for the damage to her property.

7. The actions of the Defendant constitute breach of contract.

8. The actions of any employees, agents or assigns of State Farm Fire & Casualty Company acting in the scope and course of their employment and/or business arrangement with State Farm Fire & Casualty Company are imputed thereto by the doctrine of respondeat superior.

PREMISES CONSIDERED, PLAINTIFF PRAYS:

a. **THAT** due and proper process issue and be served upon the Defendant requiring them to appear and make defense to this complaint as required by law, but if answers filed, answers under oath are waived.

b. **THAT** a jury be empanelled to hear and determine the issues in this case.

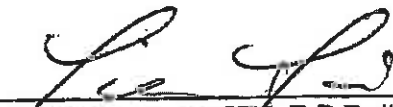
c. **THAT** upon the hearing of this cause the Defendant be found guilty of breach of contract and that Plaintiff be awarded \$40,360.20.

d. **THAT** upon the hearing of this cause the Defendant be found to have acted in bad faith and the Plaintiff be awarded damages pursuant to T.C.A. § 56-7-105.

e. **THAT** the Defendant be required to pay the court costs incurred in these proceedings.

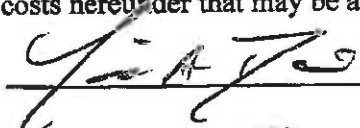
f. **THAT** Plaintiff be granted such other and further relief to which she may be found entitled on the hearing of this matter.

Respectfully submitted,


TIMOTHY A. DAVIS, B.P.R. # 26048
ATTORNEY FOR PLAINTIFF
115 East Main Street
Lebanon, Tennessee 37087
(615) 444-7272

COST BOND

I hereby acknowledge myself surety for any costs hereunder that may be assessed against
the Plaintiff.


TIMOTHY A. DAVIS

State of Tennessee
Department of Commerce & Insurance
500 James Robertson Parkway
Financial Affairs - Analytical Unit
Nashville, TN 37243

CERTIFIED MAIL



7011 2970 0003 4364 4090

UNITED STATES POSTAGE
\$ 05.95
02 1M
0004292626
OCT 10 2012
MAILED FROM ZIP CODE 37243

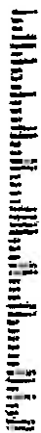
RECEIVED

OCT 11 2012

7011 2970 0003 4364 4090 10/04/2012
STATE FARM INSURANCE COMPANY
2500 MEMORIAL BOULEVARD
MURFREESBORO, TN 37131-0001

R.O. MAIL ROOM

371310001



IN THE CIRCUIT COURT OF WILSON COUNTY
AT LEBANON, TENNESSEE

MARIBEL LINEBERRY,

Plaintiff,

Case No. 2012-CV-574

v.

STATE FARM FIRE &
CASUALTY COMPANY,

Defendant.

NOTICE OF FILING NOTICE OF REMOVAL

COMES NOW, Defendant, State Farm Fire and Casualty Company ("State Farm"), and files this Notice of Filing of a Notice of Removal from this Court to the United States District Court for the Middle District of Tennessee. Attached hereto as Exhibit 1 is a copy of the Notice of Removal filed in federal court. As such, State Farm prays that no further action will occur in this case as this Court has been divested of jurisdiction.

WHEREFORE, State Farm prays that the Court and all parties that have or in the future make appearance in this proceeding take note that this matter has been removed to the United States District Court for the Middle District of Tennessee and that no further actions will occur in this case.

Respectfully submitted,

THOMASON, HENDRIX, HARVEY,
JOHNSON & MITCHELL, PLLC

By: 

CHRISTOPHER L. VESCOVO (14516)

JONATHAN L. MAY (27408)

2900 One Commerce Square

40 South Main Street

Memphis, TN 38103

(901) 577-6140

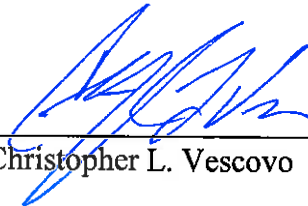
vescovoc@thomasonlaw.com

mayj@thomasonlaw.com

CERTIFICATE OF SERVICE

I hereby certify that on November 1, 2012, a true and accurate copy of the foregoing was sent via US Mail, postage paid, to counsel for Plaintiff at the following:

Timothy A. Davis, Esq.
115 East Main Street
Lebanon, TN 37087



Christopher L. Vescovo